

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-40 are currently pending in this application. Claims 1, 14, 24, 25 and 32 are independent. In that, Applicant elects Group I, claims 1-13 and 32-40, and Group II, claims 14-31 have been withdrawn from consideration.

It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

**II. REJECTIONS UNDER 35 U.S.C. §§ 102 & 103 HAVE BEEN OVERCOME**

Claims 1-10, 12-13, 32-33, 35-37 and 39-40 were rejected under 35 U.S.C. §§ 102(b) as allegedly being anticipated by European Patent EP 0960975 to Davenport et al. (hereinafter merely “Davenport”).

Davenport relates to a nip press belt that which may be a multilayered structure as shown in Figure 6 thereof. In this regard, the base substrate comprises a primary base layer, which can be woven. A secondary base layer is attached to the primary base layer, the secondary base layer being a single layer weave, such as plain weave. The primary base layer and secondary base layer are attached to one another by needling a staple fiber batt layer through the secondary base

layer and into the primary base layer, building up a layer of staple fiber batt. Primary base layer, secondary base layer and staple fiber batt together form the fiber/base composite structure of Davenport. Layers of polymeric resin material are then applied to the staple fiber batt. The polymeric resin material is built up to a desired thickness under the staple fiber batt, forming a layer. Once the desired thickness is reached, the polymeric resin material is cured, ground, polished or buffed without exposing any of the staple fiber batt to provide a layer of desired surface characteristics and the long nip press belt as a whole with a uniform thickness.

*Davenport Abstract and ¶¶ 49 - 56.*

In the present invention as set forth in claim 1, a substrate is provided which comprises a plurality of preformed layers and a polymeric coating or impregnating material or rubber material that is part of a respective layer, wherein each preformed layer is a textile layer or a textile layer coated/impregnated with resin or the rubber material, and at least one layer of which contains a matrix of reinforcing components. Thereafter the preformed layers are joined by heat and/or pressure and an additional resin coating may be applied to either or both outside surfaces. Davenport does not teach the feature of the instant invention having a polymeric coating as part of a respective layer of the preformed layers. Rather, in Davenport the primary and secondary layers are first joined by needling. A polymeric material is then applied to the batt which is not a preformed layer as claimed. Accordingly, there is no teaching or suggestion in Davenport for the polymeric coating or impregnating material or rubber material being a part of a respective preformed layer as claimed in claim 1.

As to the other independent claim 32, it is directed to a process belt housing, for layers of preformed material that are first coated and then combined to form a substrate of the belt. Davenport does not provide for this.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejections based upon Davenport in view of the foregoing reasons.

Claims 1-4, 6-11, 32-34, 37 and 39-40 were rejected under 35 U.S.C. §§ 102(b) as allegedly being anticipated by U.S. Patent No. 5,753,085 to FitzPatrick.

As to FitzPatrick, it relates to a long nip press belt having a textile substrate impregnated and coated on at least one side with a polymeric resin material. The polymeric resin material is ground and buffed after being cured to provide the belt with a smooth surface and a uniform thickness. The textile substrate may include textile components (monofilaments, continuous fine filaments or staple fibers) having non-circular cross sections with a plurality of lobes.

FitzPatrick does not, however, teach or disclose the multilayer construction of the present invention as claimed. FitzPatrick does not provide for a substrate comprising a plurality of preformed layers and a polymeric coating or impregnating material or rubber material that is part of a respective layer, wherein each preformed layer is a textile layer or a textile layer coated/impregnated with resin or the rubber material, and at least one layer of which contains a matrix of reinforcing components as claimed in claim 1. Nor does FitzPatrick provide for layers of preformed material that are first coated then combined to form a substrate of the belt as claimed in claim 32.

In view of the foregoing, reconsideration and withdrawal of the rejections in view of FitzPatrick is respectfully requested.

The remaining rejections were of claims dependent on either claim 1 or 32 and for the foregoing reasons should also be allowed.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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